

Message Text

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PAGE 01 TEL AV 03267 101640Z
ACTION NEA-10

INFO OCT-01 ISO-00 L-03 CA-01 SCS-06 SSO-00 /021 W
-----058135 101645Z /73

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FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC IMMEDIATE 1815
INFO AMCONSUL JERUSALEM

LIMITED OFFICIAL USE TEL AVIV 3267

E.O. 11652: N/A
TAGS: CARR, IS: (ESMAIL, SAMI)
SUBJECT: REQUEST FOR CONSULAR TESTIMONY

REF: TEL AVIV 1972; STATE 43178

1. IN LETTER DATED FEBRUARY 21, 1978, EMBASSY REQUESTED MRS. SARAH SIROTA, DISTRICT ATTORNEY, CENTRAL DISTRICT, ATTORNEY GENERAL'S OFFICE, MINISTRY OF INTERIOR, TO ADVISE US WHETHER A SWORN STATEMENT ONCE SUBMITTED TO THE COURT BY MR. MARK DAVISON, WOULD THEREAFTER SUBJECT HIM TO POSSIBLE ORAL CROSS-EXAMINATION. THE EMBASSY ALSO REQUESTED MRS. SIROTA'S OPINION AS TO WHETHER ANY REQUIRED CLARIFICATION OF MR. DAVISON'S SWORN STATEMENT COULD BE SUBMITTED BY DEPOSITION.

2. A LETTER DATED MARCH 9, 1978 FROM MRS. SITOTA ADDRESSED TO CONSUL KERR HAS BEEN TRANSLATED AS FOLLOWS:
QUOTE RE: ACCUSED UNDER FILE P.R. 1/78
U.S. CITIZEN SAMI ESMail
REF: YOUR LETTER DATED FEBRUARY 21, 1978
FURTHER TO THE CONVERSATION IN WHICH OUR STAND WAS MADE CLEAR, AND FURTHER TO YOUR LETTER OF ABOVE DATE, MY REPLY TO YOUR QUESTIONS IS AS FOLLOWS:

A) EVERYONE WHO HANDS IN A DECLARATION TO A COURT OF LAW MUST
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EXPECT A VERBAL CROSS-EXAMINATION.
B) THERE ARE CASES WHERE SUCH A CROSS-EXAMINATION IS WAIVED, BUT EVERYTHING DEPENDS ON THE CIRCUMSTANCES AND ON THE CONTENTS OF THE DECLARATION SUBMITTED. THEREFORE, SO LONG AS I AM NOT ACQUAINTED WITH THE CONTENTS OF THE DECLARATION MADE BY MR. MARK DAVISON, I CANNOT TAKE A POSITION REGARDING THE NEED FOR CROSS-EXAMINING HIM ON HIS DECLARATION.

C) AS FOR CLARIFICATIONS IN WRITING-AS A SUBSTITUTE FOR A
CROSS-EXAMINATION- I KNOW OF NO PROCEDURAL RULE PERMITTING
THIS. AS STATED, IF YOU INFORM ME-WITH THE CONSENT OF THE
ADVOCATE DEFENDING THE ACCUSED-OF THE CONTENTS OF THE
TESTIMONY, I CAN ADOPT A CLEAR STAND ON THE ISSUE OF A
CROSS-EXAMINATION.
AT THIS STAGE, I AM UNABLE TO STATE THAT I AM WAIVING AN
EXAMINATION OF THE WITNESS.
YOURS TRULY, SARAH SIROTA, DISTRICT ATTORNEY, CENTRAL DISTRICT.
END QUOTE VIETS

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